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U.S. APPLICATION NUMBER NO. 10/559,148	FIRST NAMED APPLICANT Jane Louise Holley	ATTY. DOCKET NO. 41577/323890
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INTERNATIONAL APPLICATION NO.
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PCT/GB04/02351

23370  
JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
ATLANTA, GA 30309

KS Docketing

Docketed for: \_\_\_\_\_  
Entered on: 3/7/06  
by: WW  
Previously Entered: \_\_\_\_\_

LA. FILING DATE 06/03/2004	PRIORITY DATE 06/03/2003
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CONFIRMATION NO. 9062

371 FORMALITIES LETTER



\*OC000000018115052\*

Date Mailed: 02/24/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/05/2005
- Copy of the International Search Report filed on 12/05/2005
- Preliminary Amendments filed on 12/05/2005
- Oath or Declaration filed on 12/05/2005
- U.S. Basic National Fees filed on 12/05/2005
- Priority Documents filed on 12/05/2005

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The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

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CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/559,148	PCT/GB04/02351	41577/323890

FORM PCT/DO/EO/905 (371 Formalities Notice)

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www.KilpatrickStockton.com**KILPATRICK  
STOCKTON LLP**  
Attorneys at Law

August 17, 2006

direct dial 404 815 6446  
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Arossi@KilpatrickStockton.com**FAX**

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Central Fax	571.273.8300	Mail Stop PCT U.S. Patent and Trademark Office Alexandria, VA

Angela M. Rossi  
FROM16  
PAGES (WITH COVER)2298  
REFERENCE NO41577/323890  
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**COMMENTS**Re: U.S. Patent Application Serial No. 10/559,148  
Our Ref. No. 41577/323890

US2000 9179989.1

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 41577/323890
<b>INTERNATIONAL APPLICATION NO.</b> PCT/GB2004/002351	<b>INTERNATIONAL FILING DATE</b> 03 June 2004 (03.06.04)	<b>U.S. APPLICATION NO. (if known, see 37 CFR 1.5)</b> 10/559,148
<b>TITLE OF INVENTION</b> COMPOSITIONS COMPRISING LARGE AND SMALL BINDING FRAGMENTS OF ANTIBODIES AGAINST THE SAME TOXIN		<b>PRIORITY DATE CLAIMED</b> 03 June 2003 (03.06.03)
<b>APPLICANT(S) FOR DO/EO/US</b> HOLLEY, Jane Louise; MAYERS, Carl Nicholas; WHITFIELD, David; BROOKS, Timothy John Gilby		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li><input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input type="checkbox"/> The US has been elected (Article 31).</li> <li><input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input checked="" type="checkbox"/> Notification of Missing Requirements under 35 USC 371</li> <li><input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</li> <li><input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</li> </ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/559,148		INTERNATIONAL APPLICATION NO. PCT/G82004/002351		ATTORNEY'S DOCKET NUMBER 41577/323880	
20. Other items or information: This certifies that this document is being transmitted by facsimile to the U.S. Patent and Trademark Office this <u>17th</u> day of August, 2006. Angela M. Rossi <i>Angela M. Rossi</i>					
The following fees are submitted:				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....\$300				\$	
22. <input type="checkbox"/> Examination Fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0				\$	
All other situations .....\$200					
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0				\$	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....\$100					
International Search Report prepared by an ISA other than the US and provided in the Office or previously communicated to the US by the IB.....\$400					
All other situations .....\$500					
TOTAL OF 21, 22 and 23 =				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821 (c) or (e) computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	0/50 =		x \$250	\$ 0	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ previously paid	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	20 - 20 =	00	x \$50	\$ 0	
Independent claims	03 - 3 =	00	x \$200	\$ 0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ .00	
TOTAL OF ABOVE CALCULATIONS =				\$ .00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ .00	
SUBTOTAL =				\$ .00	
Petition for Extension of Time				\$1590 .00	
				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
TOTAL FEES ENCLOSED =				\$ 1630.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$1630.00

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment of Deposit Account No. 11-0855. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charge to a credit card. **WARNING** : Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.37(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

John S. Pratt, Esq.

Kilpatrick Stockton LLP

1100 Peachtree Street, Suite 2800

Atlanta, Georgia 30309-4530

  
SIGNATURE

Dean W. Russell

NAME

33,452

REGISTRATION NUMBER